

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

5 SURGICAL INSTRUMENT SERVICE )  
COMPANY, INC., ) Case No.:  
 ) 3:21-cv-03496-VC  
6 Plaintiff, )  
 ) Lead Case No.:  
7 vs. ) 3:21-cv-03825-VC  
 )  
8 INTUITIVE SURGICAL, INC., )  
 )  
9 Defendant )  
 )  
10 IN RE: DA VINCI SURGICAL ROBOT )  
ANTITRUST LITIGATION )  
11 )  
12 THIS DOCUMENT RELATES TO: )  
ALL ACTIONS )  
 )

\*\*\* CONFIDENTIAL ATTORNEYS EYES ONLY \*\*\*

30 (b) (6) DEPOSITION OF:

KEITH ROBERT JOHNSON

THURSDAY, OCTOBER 27, 2022

9:06 a.m. Mountain Standard Time

21 | REPORTED BY:

Vickie Blair

23 CSR No. 8940, RPR-CRR

24                   JOB NO. 5539883

25 | PAGES 1 - 122

1 Deposition of KEITH ROBERT JOHNSON, the witness, taken  
2 on behalf of the Defendant, on Thursday,  
3 October 27, 2022, 9:06 a.m. Mountain Standard Time,  
4 before VICKIE BLAIR, CSR No. 8940, RPR-CRR.

5  
6 APPEARANCES OF COUNSEL VIA ZOOM:  
7

8 FOR PLAINTIFF/COUNTER-DEFENDANT SURGICAL INSTRUMENT  
9 SERVICE CO. INC.:

10 HALEY GUILIANO LLP  
11 BY JOSHUA VAN HOVEN, Partner  
12 111 North Market Street, Suite 900  
13 San Jose, California 95113  
14 +1 669 213 1061  
15 joshua.vanhoven@hglaw.com

16 FOR DEFENDANT INTUITIVE SURGICAL, INC.:

17 COVINGTON & BURLING LLP  
18 BY ISAAC D. CHAPUT, Associate  
19 415 Mission Street  
20 Suite 5400  
21 San Francisco, California 94105-2533  
22 +1 415 591 7020  
23 ichaput@cov.com  
24 COVINGTON & BURLING LLP  
25 BY AUSTIN S. MARTIN, Associate  
One CityCenter  
850 Tenth Street, NW  
Washington, D.C. 20001-4956  
+1 202 662 5094  
amartin@cov.com

1 devices. 09:27:44

2 Q And, when you say "repair," what services 09:27:44

3 were performed on the EndoWrists as part of that 09:27:48

4 repair? 09:27:55

5 A We were taking the EndoWrists, inspect -- 09:28:03

6 inspecting for functionality and safety, and adding 09:28:08

7 additional lives to extend the life of that device. 09:28:13

8 Q And how did you add additional lives to 09:28:17

9 extend the life of the device? 09:28:21

10 A We installed a new chip to add 10 09:28:23

11 additional lives to that device. 09:28:30

12 Q Prior to the EndoWrist business, had SIS 09:28:32

13 ever worked with Rebotix Repair? 09:28:40

14 A That's kind of a trick question, but I 09:28:42

15 guess the answer to your question is no. 09:28:56

16 Q Why do you feel that's a trick question? 09:28:58

17 A Well, that organization is owned by 09:29:00

18 Benjamin Biomedical, which we have had a 25- to 30-year 09:29:02

19 relationship with. 09:29:08

20 Q Okay. So you had previously worked with 09:29:09

21 another company that's related to Rebotix, but you had 09:29:15

22 not worked with Rebotix specifically; is that correct? 09:29:17

23 A We worked with the parent company of that 09:29:22

24 organization, yes. 09:29:27

25 Q Focusing specifically on Rebotix, what 09:29:27

1	information did SIS have about Rebotix's capabilities	09:29:34
2	when SIS started its relationship with Rebotix?	09:29:41
3	MR. VAN HOVEN: Objection to form.	09:29:45
4	THE WITNESS: Can you ask that again, I	09:29:46
5	apologize.	09:29:51
6	BY MR. CHAPUT?	09:29:52
7	Q       Sure. Maybe I can make it a little more	09:29:52
8	straightforward.	09:29:56
9	What did SIS know about Rebotix's	09:29:57
10	capabilities when it entered into the EndoWrist repair	09:29:59
11	business?	09:30:05
12	MR. VAN HOVEN: Objection to form.	09:30:05
13	THE WITNESS: So, based on our	09:30:05
14	longstanding relationship with Benjamin Biomedical, and	09:30:11
15	the quality products that they had been providing to us	09:30:16
16	for, like I said, over 25 years, we had every belief	09:30:19
17	that the products and services they were providing were	09:30:24
18	quality, and we went down, visited the lab, made sure	09:30:27
19	that we understood and saw the product that they were	09:30:32
20	developing and the service that they were providing,	09:30:36
21	felt really good about it, and were excited about it,	09:30:39
22	and learned everything we could about their testing	09:30:42
23	practices and what they were doing, and really pretty	09:30:45
24	much everything inside and out about that program	09:30:49
25	before we took it to market.	09:30:52

1 BY MR. CHAPUT: 09:30:52  
2 Q Have you ever observed the entirety of 09:30:56  
3 what Rebotix calls a repair of an EndoWrist? 09:31:01  
4 A Yes. 09:31:07  
5 MR. VAN HOVEN: Object to form. 09:31:08  
6 THE WITNESS: Yes. 09:31:08  
7 BY MR. CHAPUT: 09:31:09  
8 Q When did you observe that repair? 09:31:11  
9 A I don't remember the specific dates, but 09:31:15  
10 if I remember correctly, it was in the fall of '19. 09:31:24  
11 Q And would you describe for me the repair 09:31:30  
12 process that Rebotix performed that you observed? 09:31:42  
13 A We observed the complete incoming 09:31:48  
14 inspection process; we observed the chip replacement 09:31:55  
15 process; and we also observed the complete outgoing 09:32:03  
16 safety and function test of those devices. 09:32:08  
17 Q Starting with the complete incoming 09:32:12  
18 inspection that you observed, what steps were involved 09:32:24  
19 in that incoming inspection? 09:32:27  
20 A Being that that device is a very simple 09:32:33  
21 laparoscopic instrument, we observed the functionality 09:32:39  
22 of that device, the strength of the pulleys, the 09:32:43  
23 sharpness of the scissors, the -- the grasping strength 09:32:48  
24 of the forceps, all of those safety and function to 09:32:53  
25 make sure that those devices met the original intended 09:32:57

1 the country, so we have team members and reps on the 09:46:48  
2 ground, and we work with hospitals on a daily basis 09:46:51  
3 picking up items and devices in need of service, 09:46:54  
4 getting those to one of our labs, they are serviced and 09:46:57  
5 then returned to the facility. 09:47:02

6 So this Rebotix program that we were 09:47:03  
7 providing fell right in line with what we were doing 09:47:05  
8 every day. 09:47:10

9 Q Was the service performed at one of SIS's 09:47:10  
10 labs? 09:47:16

11 MR. VAN HOVEN: Objection to form. 09:47:18

12 THE WITNESS: We were -- every discussion 09:47:19  
13 we had was about bringing it in-house and doing it 09:47:27  
14 ourselves. In fact, a couple members of their team 09:47:29  
15 came to Chicago and worked in our lab with us, and 09:47:37  
16 our -- some of our technicians that were going to be 09:47:41  
17 involved in this program were part of that, so we were 09:47:44  
18 absolutely going to be doing this service in-house. 09:47:48

19 BY MR. CHAPUT: 09:47:51

20 Q Okay. So you said that you were "going to 09:47:51  
21 be doing it in-house." 09:47:53

22 My question was: Did SIS ever actually 09:47:54  
23 perform the service in-house? 09:47:57

24 A No. 09:47:58

25 Q So for all of the EndoWrist repairs that 09:48:00